

REMARKS

Claims 1-6, 8-14 and 16-18 are pending in this application, of which Claims 1, 5, 6, 8 and 12-14 are independent. Claims 1, 6, 8, 12, 13 and 14 have been amended to define still more clearly what Applicant regards as his invention. Claims 16-18 have been added to assure Applicant a fuller measure of protection of the scope to which he deems himself entitled.

Claims 1-5 and 8-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as being obvious from, U.S. Patent 5,754,682 (Kato). Claims 6 and 14 were rejected under Section 103(a) as being obvious from *Kato* in view of U.S. Patents 5,598,272 (Fisch et al.) and 6,341,175 (Usami).

Independent Claim 1 is directed to an image processing method for performing a color process based on a color appearance model. The method of Claim 1 comprises inputting distance information, which represents a distance between positions of a viewing subject at a data source side and a viewing subject at a data destination side, based on an instruction of a user entered through a user interface. There is set a parameter of a viewing condition based on the inputted distance information, and the color process is performed based on the color appearance model by using the set parameter.

Among other important features in Claim 1 is that the distance information represents a distance between positions of viewing subjects at data source/destination sides without the subject pointed out by the Examiner such as a monitor luminance parameter value and a picture luminance parameter.

To begin with, Applicant frankly does not understand the view of the Examiner stated at pages 2 and 3 of the Office Action. *Kato* teaches that viewing conditions of

respectively a CRT 3 and a printing sheet are inputted by using sensors S1-S4 or a parameter setting section 50 as shown in Fig. 6 or 11, but nothing in that patent is seen to teach or suggest inputting of information relating to a distance between the CRT 3 and the printing sheet. Applicant notes the Examiner's view as to how the distance is inputted by using a user interface shown in Fig. 12, but frankly do not understand that view. Nonetheless, in the interest of eliminating this as an issue, Applicant has amended Claim 1 as shown above. accordingly, Claim 1 is believed to be even more clearly allowable over *Kato*. Since the same recitations as just mentioned appears in Claims 5, 8, 12 and 13, those claims are also believed to be allowable over that patent.

Independent Claim 6 is directed to an image processing method for performing color process on an input image based on a color appearance model. That method comprises inputting a manual instruction of a user, which relates to conditions for respectively adjusting (1) balance, and (2) absolute intensity, of a chromatic adaptability, and inputting a manual instruction of the user, which relates to viewing conditions of respectively an image input side and an image output side. There is set a parameter of the chromatic adaptability from the inputted balance and absolute intensity, and a forward and inverse conversion are performed: the forward conversion is performed on the color appearance model to convert color data of the input image into color data independent of any viewing condition by using the viewing condition of the image input side and the set parameter, and the inverse conversion of the color appearance model is to convert the color data obtained in the forward conversion into color data dependent of the viewing condition of the image output side by using the viewing condition of the image output side and the set parameter.

With regard to this claim, Applicant believes that the Examiner may have confused chromatic adaptability and a viewing condition, as described at page 4, line 20 to page 5, line 3, and therefore Applicant has added claim language to the effect that "viewing conditions of respectively image input/output sides are inputted", to clarify the difference between the chromatic adaptability and the viewing condition. Please note that the additional structure is supported by Fig. 27. Further, we amend Claims 6 and 14 to clear forward and inverse conversions, that is, the forward conversion converts color data, which is depend on the viewing condition at the image input side, into color data independent of any viewing condition, the inverse conversion converts the color data independent of any viewing condition into color data depend on the viewing condition at the image output side, and the forward and inverse conversions use the viewing condition at the image input side or the image output side, and a parameter of the chromatic adaptability. It knows that the forward and inverse conversions are characteristic of a color process based on a color appearance model, and the chromatic adaptability is different from the viewing condition from this point as well.

Fisch relates to a system in which is performed color calibration for adjusting balance and absolute intensity of each color component of CMYB in a color proofing system. *Usami* relates to a color conversion for converting device data CMYK into another device data CMYK while preserving a gray balance. However, neither *Fisch* or *Usami* teach a color process based on a color appearance model as recited in Claim 6. Further, even if *Kato* be deemed to teach that a visual environment conversion (input side) 12 and a visual environment conversion (output side) 14 perform conversion processes based on parameters set by a parameter setting section 50 as shown in Fig. 11, Applicant strongly urges that nothing in *Kato* would teach adjusting a parameter of a chromatic adaptability. A user interface of

Katoh shown in Fig. 12 enables to input a light source, surround luminance and monitor luminance corresponding to viewing conditions, but does not enable to adjust the parameter of the chromatic adaptability. In contrast, for example, a user interface shown Fig. 27 of the present application enables the user to input the view conditions (a viewing subject, luminance, illuminant and ambient light), and to input balance and absolute intensity for adjusting the parameter of the chromatic adaptability.^{1/} In other words, *Katoh* does not teach that a user inputs an instruction to adjust the chromatic adaptability. On the other hand, in Claim 6, a user inputs not only the viewing condition but also the instruction for adjusting the chromatic adaptability. For at least these reasons, Claim 6, and Claim 14, which contains the same features as just discussed with regard to Claim 6,, are believed clearly to be allowable over any permissible combination (if any exists) of *Katoh*, *Fisch* and *Usami*.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

^{1/} It is of course to be understood that the claim scope is not limited by the details of any of the preferred embodiments referred to.

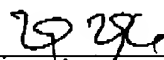
This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. Entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's attorneys may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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